

Message

From: Hurlid, Kathy [Hurlid.Kathy@epa.gov]
Sent: 11/7/2019 6:45:08 PM
To: Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]
Subject: dave's papers
Attachments: Section 10 Case Law.pdf

Mindy, No I couldn't let it go, but attached is a summary of Section 10 case law that a legal intern for Dave Ross pulled together that he shared with the FACA. This along with the legislative history papers he helped craft with Virginia Albrecht and Jan Goldman-Carter are links here.

Hope this helps.

This is the legal analysis that the FACA used to then determine US Congress meant Phase 1 waters

<https://www.epa.gov/cwa404g/legislative-history-documents-related-clean-water-act-section-404g1>

this informed the adjacency info

https://www.epa.gov/sites/production/files/2016-12/documents/adjacency_in_404g1_8-25-16_61951613_3-c.pdf

<https://www.epa.gov/cwa404g/legislative-history-documents-related-clean-water-act-section-404g1>